

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

KAY STRATEGIES, INC., et al.,
Plaintiffs,
v.
UBIQUITY, INC., et al.,
Defendants.

CASE NO. 15-cv-2720-H-DHB

**ORDER DENYING MOTION
TO DISMISS AS MOOT**


[Doc. Nos. 6 & 7]

On December 3, 2015, Plaintiffs filed this action, alleging violation of federal securities laws and state-law causes of action. (Doc. No. 1.) On January 28, 2016, one group of Defendants moved to dismiss the case. (Doc. No. 6.) On February 1, 2016, a second group of Defendants moved to dismiss the case. (Doc. No. 7.) On February 12, 2016, Plaintiffs filed an amended complaint. (Doc. No. 8.)

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend its pleading once as a matter of course within 21 days after being served with a motion to dismiss. “[A]n amended complaint supersedes the original, the latter being treated thereafter as non-existent.” Valadez-Lopez v. Chertoff, 656 F.3d 851, 857 (9th Cir. 2011) (internal quotation marks omitted). Accordingly, the Court denies Defendants’ motions to dismiss the previous complaint on the ground that they are moot.

IT IS SO ORDERED.

DATED: February 16, 2016


MARILYN E. HUFF, District Judge
UNITED STATES DISTRICT COURT